

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**(Case No. 05-1044-B5; EX04-044C-US)**

|   |   |                                       |
|---|---|---------------------------------------|
| <b>In the Application of:</b>                   | ) |                                       |
|   | ) |                                       |
| <b>Michael R. Costa et al.</b>                  | ) |                                       |
|   | ) | <b>Examiner: To Be Assigned</b>       |
| <b>International App. No.: PCT/US04/19533</b>   | ) |                                       |
|   | ) |                                       |
| <b>U.S. Serial No.: 10/556,937</b>              | ) | <b>Group Art Unit: To Be Assigned</b> |
|   | ) |                                       |
| <b>International Filing Date: June 18, 2004</b> | ) | <b>Confirmation No. 6980</b>          |
|   | ) |                                       |
| <b>For: MARKs As Modifiers of the PTEN</b>      | ) |                                       |
| <b>Pathway and Method of Use</b>                | ) |                                       |

**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:
  - a) Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed September 6, 2006;
  - b) Response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US);
  - c) Application Data Sheet;
  - d) Executed Declarations; and
  - e) Return receipt postcard.
2. With respect to fees:
  - a) A check in the amount of \$130.00 is enclosed for the surcharge fee.
  - b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 132490.

11/06/2006 GFREY1 00000131 10556937

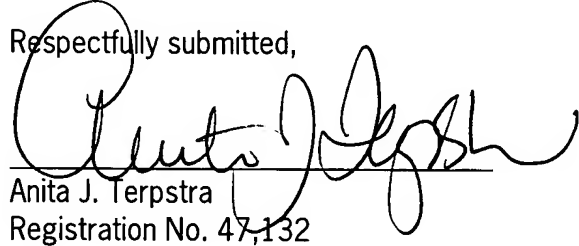
01 FC:1617

130.00 DP

3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being deposited in the United States Postal Service, as Express mail, mailing number EV839413398US in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 31, 2006.

Date: October 31, 2006

Respectfully submitted,



Anita J. Terpstra  
Registration No. 47,132

**Confirmation No. 6980**



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

|                             |                       |                  |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/556,937                  | Michael R. Costa      | EX04-044C-US     |

|                               |
|-------------------------------|
| INTERNATIONAL APPLICATION NO. |
|-------------------------------|

PCT/US04/19533

|                  |               |
|------------------|---------------|
| I.A. FILING DATE | PRIORITY DATE |
| 06/18/2004       | 06/19/2003    |

23500  
 PATENT DEPT  
 EXELIXIS, INC.  
 170 HARBOR WAY  
 P.O. BOX 511  
 SOUTH SAN FRANCISCO, CA 94083-0511

CONFIRMATION NO. 6980

371 FORMALITIES LETTER



\*OC000000020299497\*

Date Mailed: 09/06/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 11/10/2005
- Copy of the International Search Report filed on 11/10/2005
- Biochemical Sequence Diskette filed on 11/10/2005
- Oath or Declaration filed on 11/10/2005
- Biochemical Sequence Listing filed on 11/10/2005
- Request for Immediate Examination filed on 11/10/2005
- U.S. Basic National Fees filed on 11/10/2005
- Assignee Statement for PGPUB filed on 11/10/2005
- Priority Documents filed on 11/10/2005
- Power of Attorney filed on 02/16/2006
- Specification filed on 11/10/2005
- Claims filed on 11/10/2005
- Abstracts filed on 11/10/2005
- Paper nucleotide sequence listings filed on 11/10/2005

**DOCKETED**

SEP 19 2006

DUE DATE:  
BY:

11-6-06

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

**DOCKETED**  
 EXELIXIS, INC.

**RECD SEP 13 2006**

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

#### PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/556,937                  | PCT/US04/19533                | EX04-044C-US     |